



FloorPrep

Legislative Digest

Wednesday, October 20, 1999

J.C. Watts, Jr.
Chairman
4th District, Oklahoma

House Meets at 10:00 a.m. for Legislative Business

Anticipated Floor Action:

**H.R. 2670—FY 2000 Commerce, Justice, State, and the Judiciary
Appropriations Act (Conference Report)**

H.R. 2—Student Results Act

**Motion to Go to Conference on H.R. 3064 (FY 2000 District of Columbia
Appropriations Act)**



**H.R. 2670—FY 2000 Commerce, Justice, State, and the Judiciary Appropria-
tions Act (Conference Report)**

Floor Situation: The House will consider the conference report to H.R. 2670 as its first order of business today. Conference reports are privileged and may be considered any time three days after they are filed; they are debatable for one hour and are subject to one motion to recommit. Yesterday, the Rules Committee granted a rule waiving all points of order against the conference report and its consideration.

Summary: The conference report to H.R. 2670 appropriates \$39 billion in FY 2000 budget authority for the departments of Commerce, Justice, and State, the federal judiciary, and 18 related agencies—which includes \$4.2 billion from the Violent Crime Reduction Trust Fund and \$4.5 billion in emergency spending for the decennial census—an amount \$4 billion more than FY 1999, \$1.5 billion more than the House-passed bill, and \$911.4 million less than the president's request (the FY 1999 level, however, included nearly \$2 billion in emergency spending). After scorekeeping adjustments, the conference report appropriates a total of \$37.8 billion.

Department of Justice and the Federal Judiciary. The conference report provides a total of \$18.5 billion for the Justice Department, \$287.3 million more than FY 1999 and \$355.8 million more than the House-passed bill. The bill focuses on enhancing numerous crime enforcement and reduction initiatives by providing:

- * \$287.1 million for juvenile crime and prevention programs, \$2.5 million more than last year and \$500,000 more than the House bill;
- * \$3 billion for state and local law enforcement assistance, \$37 million more than FY 1999 and \$136 million more than the House measure;
- * \$3.7 billion for the federal prison system, \$369.2 million more than last year and \$40 million more than the House-passed bill;
- * \$3.1 billion for the Federal Bureau of Investigation (FBI), \$130 million more than the FY 1999 level and equal to the House-passed measure;
- * \$1.3 billion for the Drug Enforcement Agency (DEA), \$70 million more than last year and \$2.5 million less than the House measure; and
- * \$325 million for the community oriented policing services (COPS) program, \$1.1 billion less than last year, \$57 million more than the House bill, and \$1.1 billion less than the president's request.

In addition, the bill provides \$4 billion for the federal court system, mostly for salaries and administrative expenses. This amount is \$307.2 million more than FY 1999 and \$59 million more than the House-passed bill.

Department of Commerce. The conference report funds the Commerce Department and related programs at \$8.7 billion, \$3.5 billion more than FY 1999, \$597.6 million more than the House-passed bill, and \$4.9 billion less than the president's request (if advance appropriations are not counted). This amount includes \$4.8 billion for the Census Bureau—\$4.5 billion of which is designated as “emergency spending”—to conduct the decennial census. In addition, the measure provides:

- * \$2.3 billion for the National Oceanic and Atmospheric Association (NOAA), \$130.9 million more than last year and \$341.9 million more than the House-passed bill. NOAA includes the National Ocean Service (\$267.3 million), the National Weather Service (\$603.9 million), and the National Marine Fisheries Service (\$403.7 million);
- * \$639 million for the National Institute Standards and Technology (NIST), \$8.2 million less than the FY 1999 level and \$202.3 million more than the House measure; and
- * \$142.6 million for the advanced technology program (ATP), \$60.9 million less than last year (the House bill included no funding for this initiative).

Department of State. The conference report appropriates \$6 billion for the State Department and related agencies, \$453.3 million more than last year, \$164.1 million more than the House bill, and \$351.5 million less than the president's request (if advanced appropriations are not counted). This amount includes:

- * \$2.8 billion for diplomatic and consular programs, \$1.1 billion more than FY 1999 and \$50 million more than the House bill;

- * \$351 million in arrearage payments to the United Nations (UN), subject to Congress passing authorizing legislation. This amount is \$124 million less than last year and equal to the House measure;
- * \$421.8 million for the Broadcasting Board of Governors, which oversees international broadcasting activities, including Radio Free Europe/Radio Liberty, Radio Free Asia, and Voice of America. The amount is \$112,000 more than the House-passed bill (last year, international broadcasting activities received funding through the U.S. Information Agency, which has been incorporated into the State Department); and
- * \$8.3 million for the Asia Foundation, equal to last year's funding level and \$250,000 more than the House measure.

Related Agencies. The conference report to H.R. 2670 funds a variety of other federal agencies, totaling \$2 billion (\$130.5 million more than last year, \$211.7 million less than the president's request, and \$188.3 million more than the House-passed bill). Specific appropriations include:

- * \$300 million for the Legal Services Corporation (LSC), the same as last year's level and \$50 million more than the House-passed measure;
- * \$367.8 million for the Securities and Exchange Commission (SEC), \$43.8 million more than both the FY 1999 level and the House bill; and
- * \$803.5 million for the Small Business Administration (SBA), \$84.5 million more than FY 1999 and \$69 million more than the House measure.

Legislative Provisions. The conference report prohibits the use of funds for (1) issuing a visa to any alien involved in extrajudicial and political killings in Haiti; (2) any activity supporting the addition or maintenance of any World Heritage Site in the U.S. on the List of World Heritage Sites in Danger; (3) any United Nations peacekeeping mission that involves U.S. Armed Forces under the command or operational control of a foreign national, unless the president certifies that the involvement is in the interest of national security; and (4) publishing or issuing any assessment required by the Global Change Research Act unless the supporting research has been subjected to peer review and made available to the public.

Finally, the conference report prohibits a user fee from being charged for Brady background checks for potential gun purchasers, as well as prohibits the implementation of a background check system that does not require destroying information on records of individuals whose backgrounds are revealed to be clean.

The House passed H.R. 2670 by a vote of 217-210 on August 5, 1999. The Senate passed its version of the measure by unanimous consent on September 8, 1999.

Views: The Republican leadership supports passage of the bill. An official Clinton Administration view was unavailable at press time.

Additional Information: See *Legislative Digest*, Vol. XXVIII, #30, Pt. II, October 19, 1999.



H.R. 2—Student Results Act

Floor Situation: The House will consider H.R. 2 after it finishes considering the conference report to H.R. 2670. Yesterday, the Rules Committee granted a modified open rule providing 90 minutes of general debate, equally divided between the chairman and ranking member of the Education & the Workforce Committee. The rule waives all points of order against consideration of the bill. It makes in order a committee amendment in the nature of a substitute as base text. The rule requires that amendments be pre-printed in the *Congressional Record*. Furthermore, it limits total debate time on amendments to six hours. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 2 reauthorizes Title I of the 1965 Elementary and Secondary Education Act (ESEA) and other programs for FYs 2000-2004, channeling approximately \$8 billion annually into programs for roughly 10 million disadvantaged students. Programs authorized in the bill include Title I, Part A (education of the disadvantaged), the Migrant Education program, Neglected and Delinquent children programs, Magnet Schools Assistance, Native American, Hawaiian, and Alaskan education programs, the Gifted and Talented program, Rural Education assistance, and the Stewart B. McKinney Homeless Assistance program. Specifically, the bill:

- * modifies existing accountability provisions to ensure that each separate subgroup of students (*e.g.*, economically disadvantaged, limited English proficiency, minorities, students with disabilities) as well as students as a whole show increased academic achievement gains at the state, school district, and school levels;
- * requires school officials to seek the informed consent of parents before placing their children in a bilingual education program funded under Title I;
- * allows parents of children who attend schools that receive Title I funding for “school improvement” to transfer their children to another public school or public charter school that does not receive such funding;
- * changes the poverty threshold requirement for schoolwide program eligibility from 50 percent to 40 percent poverty;
- * requires, no later than three years after enactment, all teachers’ aides to have (1) completed at least two years of study at an institution of higher education; (2) obtained at least an associate’s degree; or (3) met a rigorous standard of quality established at the local level, which includes an assessment of math, reading, and writing. In addition, the bill freezes the number of teacher aides at their current levels, with limited exceptions;
- * authorizes a new \$20 million public school choice program to provide competitive grants to state and local educational agencies to support programs that promote innovative approaches to public school choice;
- * repeals educational programs for Native Hawaiians; and

- * provides limited civil litigation immunity for teachers, principals, local school board members, superintendents, and other educational professionals who engage in reasonable actions to maintain school discipline.

CBO estimates that, assuming appropriation of authorized amounts, H.R. 2 will increase federal outlays by \$55 million in the first year and by \$27.7 billion over the five-year period. The measure was introduced by Mr. Goodling; the Education & the Workforce Committee reported the bill by a vote of 42-6 on October 13, 1999.

Views: Both the Republican leadership and the president support passage of the bill. President Clinton, however, has expressed concern over provisions in the bill that require parental consent for bilingual education programs, eliminate gender equity standards, and lower the poverty threshold for schoolwide program eligibility to 40 percent, among other provisions.

Amendments: At press time, the *Legislative Digest* was aware of the following amendments to H.R. 2:

Mr. Arney may offer one an amendment (#1, #2, or #13) to establish a nationwide, five-year public and private school choice pilot program for grades one through five. The program will allow students who attend “failing” schools to receive up to \$3,500 in scholarship funds to attend a public, private, or parochial school in their state. The program will be administered by governors and state education officials in cooperation with the Education Secretary. The amendment stipulates that any student who attends a school that receives Title I funding will be eligible to receive a scholarship if he becomes a victim of violence or attends a school that has been designated by the state as “unsafe.” Criteria for an “unsafe” school include high rates of (1) gun and drug possession, (2) participation in youth gangs, and (3) theft, among others. **Staff Contact:** *Kevin Washington, x5-7772*

Ms. Maloney may offer an amendment (#3) to create a new bonus program for school districts that implement policies to end social promotion, whereby students are advanced to the next grade despite inadequate academic performance. The bonus may be used by schools to support summer school classes or weekend classes, extend day programs, or provide tutoring or other intervention initiatives. **Contact:** *x5-7944*

Mdmes. Mink, Woolsey, Sanchez, and Morella may offer an amendment (#4) to restore language to Title I regarding gender equity and professional development strategies for identifying and eliminating gender bias. In addition, the amendment reinstates the 1974 Women’s Educational Equity Act (WEEA). The purpose of WEEA is to ensure that females have full and equal access to all educational and career opportunities. Supporters of the amendment assert that the objectives of the 1974 law have not been fulfilled and that the bill eliminates funding to achieve gender equity prematurely. Opponents of the amendment counter that the federal government should get out of the business of distinguishing between the achievements of certain groups of students and, instead, focus on improving the academic performance of all students. **Staff Contact:** *Brian Branton (Mink), x5-4906*

Mr. Goodling may offer a manager’s amendment (#5) to make several technical and clarifying changes to the bill. In addition, the amendment reauthorizes funding for bilingual education. **Staff Contact:** *Education Committee (Majority Staff), x5-4527*

Mr. Ackerman may offer an amendment (#6) to require local education agencies (LEAs) with two or more counties in their jurisdiction to provide to each school an amount of funding per pupil that is at least equal to the amount provided for the preceding fiscal year. *Contact: x5-2601*

Mr. Ackerman, Mr. Crowley, or Mr. Engel may offer an amendment (#7, #17, or #19) to require LEAs with two or more counties in their jurisdiction to treat each county as if it were a separate agency when calculating grant allocations—*i.e.*, the total grant for each county must be proportional to its share of the population figures used to calculate grants. *Contact: x5-2601 (Ackerman)*

Mr. Ackerman may offer an amendment (#8) to include in the definition of a “limited English proficient” children a student whose native language is American Sign Language. *Contact: x5-2601*

Mr. Andrews may offer an amendment (#9) to permit schools to use their schoolwide program funds to establish or enhance pre-kindergarten programs. Schools that receive such funding must consider such actions as hiring child development specialists, collaborating with interested members of the community, and specifying how results will be measured. *Contact: x5-6501*

Mr. Andrews may offer an amendment (#10) to make the training of principals and vice principals a permissible activity under professional development activities. *Contact: x5-6501*

Mr. Andrews may offer an amendment (#11) to prohibit Title I funds from being used to purchase needles that are not infusion safety devices, commonly known as “safe needles.” *Contact: x5-6501*

Mr. Andrews may offer an amendment (#12) to (1) express the sense of Congress that the Head Start program should be fully funded, and (2) authorize a new grant program to permit LEAs to establish or expand pre-kindergarten programs for three- and four-year-old children. *Contact: x5-6501*

Mr. Bilbray may offer an amendment (#14) to require the Education Secretary to reimburse states for the costs of educating illegal immigrant students in grades K-12. The secretary must account for the average number of eligible illegal alien students in the state during any school day as well as the state’s average per-pupil expenditures. *Contact: x5-2040*

Mr. Crowley may offer an amendment (#15) to express the sense of Congress that federal, state, and local agencies need to financially assist school districts that face significant increases in student enrollment. *Contact: x5-3965*

Mr. Crowley or Mr. Engel may offer an amendment (#16 or #18) to stipulate that, if sufficient funds are available, local education agencies (LEAs) with two or more counties in their jurisdiction must provide to each school an amount of funding per student that is at least equal to that provided during the preceding fiscal year. *Contact: x5-3965 (Crowley)*

Mr. Fattah may offer an amendment (#20) to require states to certify to the Education Secretary annually that (1) per-pupil expenditures are substantially equal, and (2) the achievement levels of students in LEAs with the lowest per-pupil expenditures are substantially equal to students in LEAs with the highest expenditures. *Contact: x5-4001*

Mr. Fattah may offer an amendment (#21) to require state education agencies (SEAs), when applying for Title funding to describe (1) how they will assist LEAs and schools to ensure that all students achieve

proficient levels of performance; and (2) comparable levels of education services among LEAs. **Contact:** *x5-4001*

Mr. Gejdenson may offer an amendment (#22) to authorize a new \$35 million annual grant for institutions of higher education and qualified entities to provide violence prevention training as part of their early childhood education training programs. **Contact:** *x5-2076*

Mr. Goodling may offer a manager's amendment (#23) to make several technical and clarifying changes to the bill. **Staff Contact:** *Education Committee (Majority Staff), x5-4527*

* **Mr. Hinojosa** may offer a secondary amendment (#25) to the Goodling amendment to reauthorize bilingual education programs. **Contact:** *x5-2531*

* **Ms. Sanchez** may offer a secondary amendment (#45) to the Goodling amendment to authorize the Education Department to allocate \$50 million annually for grants for parent training and information centers in eligible communities. **Staff Contact:** *Amy Slavin, x5-2965*

Mr. Hill (IN) may offer an amendment (#24) to authorize a new grant program for school districts to implement and administer plans to create smaller schools. Funds provided by the grant may be used to hire additional staff, remodel facilities, or for other reasonable expenses. The amendment authorizes \$100 million for FYs 2000-2001, \$200 million for FY 2002, and \$300 million for FY 2003. **Contact:** *x5-5315*

Mr. Hinojosa may offer an amendment (#25) to establish a national parent advisory council to advise the Education Secretary on migrant education programs. The council will consist of 10 geographically representative parent members and five appointed by the secretary. **Contact:** *x5-2531*

Mr. Hinojosa may offer an amendment (#26) to establish a "vital information channel" consisting of a database of essential statistics on migrant education. The channel must be operational within two years of enactment; states will be responsible for providing the electronic data interface, if necessary, to link their student databases to the information channel. The amendment authorizes the Education Secretary to reserve \$1 million for FYs 2000-2001 to implement the channel. **Contact:** *x5-2531*

Mr. Hoekstra may offer an amendment (#28) to encourage states to reduce paperwork and reporting requirements to ensure that at least 95 percent of every education dollar goes to classrooms. **Contact:** *x5-4401*

Ms. Jackson-Lee may offer an amendment to require the Education Secretary, in consultation with the National Academy of Sciences, to study methods to identify and treat children with dyslexia in grades K-3. The report must be submitted to Congress within 120 days of enactment. **Staff Contact:** *Ayanna Hawkins, x5-3816*

Ms. Maloney may offer an amendment (#30) to establish a grant program for Holocaust education and awareness. The amendment authorizes the Education Secretary to allocate \$2 million annually over the FY 2000-2004 period for the grant. **Contact:** *x5-7944*

Mr. McIntosh may offer an amendment (#31) to express the sense of Congress that direct systematic phonics instruction should be used in all elementary and secondary schools. *Contact: x5-3021*

Ms. Napolitano may offer an amendment (#32) to add to the bill's findings that (1) the global, high-tech economy demand more emphasis on math and science in grades K-12, and (2) only 3.5 percent of Hispanics hold high-tech jobs compared to 7.7 percent of non-Hispanic whites. *Contact: x5-5256*

Ms. Napolitano may offer an amendment (#33) to stipulate that professional development funding should (1) provide teachers with innovative, culturally sensitive strategies to work with minority and disadvantaged students, (2) foster student interest in math and science, and (2) develop better communication with parents. *Contact: x5-5256*

Ms. Norton may offer an amendment (#34) to permit community learning center funds to be used for kindergarten and pre-kindergarten programs. *Contact: x5-8050*

Mr. Owens may offer an amendment (#35) to increase the total authorization for the bill to \$11.1 billion (the measure authorizes \$8.4 billion). In addition, the amendment requires that at least 25 percent of the additional funding be spent on eliminating health and safety hazards and increasing wiring capabilities in schools. *Contact: x5-6231*

Mr. Owens may offer an amendment (#36) to increase the total authorization for the bill to \$11.1 billion. In addition, the amendment requires that at least 10 percent of the additional funding be spent on comprehensive training programs for personnel responsible for educational technology programs. *Contact: x5-6231*

Mr. Owens may offer an amendment (#37) to increase the total authorization for the bill to \$11.1 billion. In addition, the amendment requires that at least 15 percent of the additional funding be spent on scholarships for teacher aides. *Contact: x5-6231*

Mr. Payne may offer an amendment (#38) to reinstate the current schoolwide poverty threshold at 50 percent. The bill currently lowers the poverty requirement for a schoolwide program—whereby services are made available to the entire school and whereby the school may combine various federal funds with state and local funds to serve the entire student body—to 40 percent. *Contact: x5-3436*

Mr. Payne may offer an amendment (#39) to authorize \$250 million for FY 2000 and such sums as necessary for FYs 2001-2004 for an urban education program. The amendment incorporates the new grant into the rural assistance initiative authorized by the bill. Funds provided by the grant may be used for such activities as recruiting teachers, increasing the academic achievement of urban public school children, and facilitating parental involvement. *Contact: x5-3436*

Mr. Petri may offer an amendment (#40) to add science to Title I's standards and assessments for math and reading. *Staff Contact: Michael Lach, x5-3831*

Mr. Petri (#41 or #42) may offer an amendment to establish a pilot program to permit up to 10 states, with the approval of their legislators and governors, to convert Title I funds into a portable benefit—*i.e.*, a per-pupil amount will be issued to parents who may then use the funding to cover the costs of any public, private, parochial, or charter school. *Staff Contact: Raj Bharwani, x5-2476*

Mr. Roemer may offer an amendment (#43) to increase the authorization of Title I, Part A. from \$8.4 billion to \$9.9 billion annually. *Contact: x5-3915*

Mr. Roemer may offer an amendment (#44) to require school districts to provide training for teacher aides. Funding for this professional development activity may be derived from the five-percent of annual Title I allocations that school districts must set aside for training teachers, principals, and other school staff. *Contact: x5-3915*

Mr. Schaffer may offer an amendment (#46, #47, #48, or #49) to require school districts to offer public school choice for students who attend overcrowded or unsafe schools (criteria for an “unsafe” school include high rates of (1) gun and drug possession, (2) participation in youth gangs, and (3) theft, among others), are taught by unqualified teachers and paraprofessionals, or attend a school that is not readily accessible by the physically handicapped. *Contact: x5-4676*

Mr. Scott may offer an amendment (#50) to limit to 10 percent the amount of funds an LEA may use to pay for transporting disadvantaged students to another public school or charter school. *Contact: x5-8351*

Mr. Tancredo may offer an amendment (#51, #52, or #53) to require the Education Secretary to publish in the *Federal Register* a notice of new rules regarding bilingual education programs, as proposed by the Office of Civil Rights of the Education Department. In addition, the amendment prohibits the Education Secretary from entering into a compliance agreement with the office until the department promulgates a final rule on bilingual education programs. *Contact: x5-7882*

Ms. Wilson may offer an amendment (#54) to require the Education Secretary to conduct a peer-review study to examine similarities between the Perry Preschool Study and the Head Start and Even Start programs. The report must be submitted to Congress within 180 days of enactment and include policy recommendations. *Contact: x5-6316*

Ms. Wilson may offer an amendment (#55) to require the General Accounting Office (GAO) to study the availability of funds for facilities for charter schools and whether such schools have access to local education bonds or funds. The report must be submitted to Congress within 90 days of enactment and include policy recommendations. *Contact: x5-6316*

Additional Information: See *Legislative Digest*, Vol. XXVIII, #30, October 15, 1999.



Motion to Go to Conference on H.R. 3064 (FY 2000 District of Columbia Appropriations Act)

Floor Situation: Mr. Istook or a designee is expected to offer a motion to go to conference on H.R. 3064 sometime today. A motion to instruct may be made immediately after this request and before the chair appoints conferees. Instructions are considered the prerogative of the minority and are debatable for one hour.

Summary: The motion, if agreed to, will establish a House-Senate conference to resolve differences between H.R. 3064, which passed the House by a vote 211-205 on October 14, and the Senate version, which passed by unanimous consent on October 15. Once agreed to, the motion permits the chair to appoint conferees. Details of a possible motion to instruct were unavailable at press time.

H.R. 3064 is similar to the conference report to H.R. 2587, the original D.C. appropriations measure that was vetoed by the president. The House passed H.R. 2587 by a vote of 333-92 on July 29, 1999. The Senate approved S. 1283 by unanimous consent on August 2. The House adopted the conference report to H.R. 2587 by a vote of 208-206 on September 9, and the Senate approved it by a vote of 52-39 on September 16. President Clinton vetoed the measure on September 28.

Views: The Republican leadership strongly supports the motion to go to conference and opposes any motion to instruct conferees that would weaken the position of House negotiators.

Additional Information: See *Legislative Digest*, Vol. XXVIII, #24, September 3, 1999; and #22, July 23, 1999.



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